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15 ASSOCIATION OF AMERICAN RAILROADS and
16 AMERICAN SHORT LINE AND REGIONAL
RAILROAD ASSOCIATION

17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**
19 **SACRAMENTO DIVISION**

20 ASSOCIATION OF AMERICAN
21 RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,

22 Plaintiffs,

23 v.

24 LIANE M. RANDOLPH, in her official
25 capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
26 his official capacity as Executive Officer of
the California Air Resources Board; and
ROB BONTA, in his official capacity as
Attorney General of the State of California

27 Defendants.
28

Case No. 2:23-cv-01154-DJC-JDP

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

NOTICE OF SUPPLEMENTAL AUTHORITY

2 Pursuant to Local Rule 230(m)(2), Plaintiffs respectfully submit the attached
3 decision in *Food and Drug Administration v. Alliance for Hippocratic Medicine*, No. 23-235
4 (S. Ct.), issued on June 13, 2024. In the decision, the Supreme Court states:
5 “Government regulations that require or forbid some action by the plaintiff almost
6 invariably satisfy both the injury in fact and causation requirements. So in those cases,
7 standing is usually easy to establish.” *Id.*, slip op., at 9. Plaintiffs submit that this
8 discussion is relevant to the Court’s evaluation of Defendants’ argument that Plaintiffs
9 lack standing to challenge the Idling Requirements. See ECF No. 51-1 at 12-15; ECF
10 No. 58 at 8-12; ECF No. 68 at 1-5. Plaintiffs are happy to provide additional analysis if
11 that would be helpful to the Court.

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1 Dated: June 13, 2024

2 /s/ Brian T. Burgess

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28 ASSOCIATION

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I electronically filed the foregoing with the Clerk of the Court for
3 the United States District Court for the Eastern District of California by using the CM/ECF
4 system on **June 13, 2024**. I further certify that all participants in the case are registered
5 CM/ ECF users and that service will be accomplished by the CM/ECF system.

6 I certify under penalty of perjury that the foregoing is true and correct. Executed on
7 **June 13, 2024**.

8 */s/ Brian T. Burgess*
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BRIAN T. BURGESS

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